

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

EMMANUEL ADEYINKA,

Plaintiff,

v.

PERFECT PRIVACY, LLC,

Defendant.

Case No. 3:23-cv-00618-YY

ORDER ADOPTING F&R

Emmanuel Adeyinka, P.O. Box 8131, Portland, OR 97207. Pro se.

IMMERGUT, District Judge.

On June 26, 2023, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F&R”), ECF 8, recommending that Plaintiff’s Amended Complaint, ECF 6; ECF 7,¹ be dismissed without prejudice. Plaintiff filed objections on July 6, 2023. ECF 10. This Court has reviewed de novo the portions of the F&R to which Plaintiff objected. This Court accepts Judge You’s conclusions and ADOPTS Judge You’s F&R in full, except that this Court dismisses this case with prejudice.

¹ Plaintiff filed two versions of his Amended Complaint on May 12, 2023. ECF 6; ECF 7. The analyses and conclusions in Judge You’s F&R apply to both versions of the Amended Complaint. ECF 8 at 1.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, sua sponte” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

CONCLUSION

This Court has carefully reviewed de novo the portions of Judge You’s F&R to which Plaintiff objected. Judge You’s F&R, ECF 8, is adopted in full. This case is **DISMISSED** with prejudice.

IT IS SO ORDERED.

DATED this 2nd day of August, 2023.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge